

**REAL ESTATE BOARD
MINUTES
MADISON, WISCONSIN
MAY 25, 2000**

PRESENT: Nancy Gerrard, Richard Hinsman, James R. Imhoff, Richard Kollmansberger, Bettye Lawrence, Harold Lee, and Jerome Nelson

STAFF PRESENT: Cletus Hansen and Jan Neitzel; Division of Enforcement staff were present for portions of the meeting.

GUESTS: Rick Staff, WRA

CALL TO ORDER

The meeting was called to order at 10:12 a.m. by Jim Imhoff, Chair, upon confirmation that the public notice was timely given. A quorum of 7 members was present.

AGENDA

MOTION: Nancy Gerrard moved, seconded by Dick Hinsman, to adopt the agenda as published. Motion carried unanimously.

MINUTES (4/27/00 and 5/1/00)

MOTION: Harold Lee moved, seconded by Jerry Nelson, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings was not available.

Division Administrator's Report

- Board Roster

The Board received a copy of the March 2000 roster. Noted.

- Meeting Dates for 2000

The Board received a copy of the 2000 meeting dates. Noted.

- Screening Statistics

The Board received a copy of the April 28, 2000, screening statistics. Noted.

LEGISLATIVE UPDATE

None.

ADMINISTRATIVE RULES

Rule Draft Relating to Supervision, Negotiations, Etc.

The Board received a copy of the May 23, 2000, letter from John P. Higgins relating to supervision at branch offices. Noted.

The Board received a copy of the April 3, 2000, letter from Hugh Burdick relating to the duties of a branch manager. Noted.

Clete Hansen stated that the proposed statutory change to eliminate the “full-time branch office manager” provision did not pass the legislature. He asked whether the Board wanted to pull the supervisory provisions from the proposal or to delay the rulemaking process on the whole proposal.

The Board requested that Mr. Hansen prepare a new rule draft without the supervision provisions and submit it to the Clearinghouse.

MOTION: Dick Hinsman moved, seconded by Dick Kollmansberger, to submit the revised draft without the supervision provisions to the rules Clearinghouse. Motion carried unanimously.

REPORT OF THE CONTRACTUAL FORMS ADVISORY COMMITTEE

Option to Purchase and Simultaneous Exchange Agreement

Clete Hansen reported the Option to Purchase and the Simultaneous Exchange Agreement will be ready for review at the next meeting. The business forms and listing for lease of commercial property will soon be finalized by the Contractual Forms Council. The time-share forms will be worked on in the future.

ADMINISTRATIVE WARNINGS

The Board received a copy of the April 3, 2000, memo from Bill Dusso, Legal Counsel, relating to administrative warnings.

The Board agreed that use of the Private Letter of Warning should be avoided and that the Letter of Concern should be replaced with the statutory and rule citations in the Close-Out Letter.

The Board requested that Mr. Hansen ask Legal Counsel if statutory changes are needed to eliminate the private letter of warning.

NEW BUSINESS

Colleen Baird, Division of Enforcement Attorney, updated the Board on the status of the hearing for Gregory Slapak.

Clete Hansen stated the Real Estate Curriculum Committee should meet in July or August of 2000 to review the continuing education requirements for 2001-2002.

PUBLIC COMMENT

None.

MISCELLANEOUS CORRESPONDENCE

The Board received a copy of the May 2, 2000, Order prepared by Bill Dusso, relating to Gregory Slapak.

RECESS TO CLOSED SESSION

MOTION: Dick Hinsman moved, seconded by Nancy Gerrard, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, stipulations, a monitoring report, and deliberations on stipulations that may be signed after printing of the agenda. Motion carried unanimously by a roll call vote: Nancy Gerrard-yes; Richard Hinsman-yes; Richard Kollmansberger-yes; Bettye J. Lawrence-yes; Harold Lee-yes; Jerome M. Nelson-yes; James R. Imhoff-yes. Motion carried unanimously.

Open Session recessed at 11:15 a.m.

The Board received a copy of the Division of Enforcement Case Status Report.

The Board deliberated on case closings, stipulations, and a monitoring issue.

Final voting on these issues was conducted in Open Session.

RECONVENE IN OPEN SESSION

MOTION: By consensus, the Board reconvened in Open Session at 11:21 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Dick Hinsman moved, seconded by Dick Kollmansberger, to close the following cases presented by the Division of Enforcement for closing. Motion carried unanimously.

99 REB 238	Lisa G. Diamond	Insufficient evidence
99 REB 352	Sandra Riley	P1
99 REB 352	Schmidt-Haus Realty Inc.	P1
99 REB 352	Judith Schmidt-Arnold	P1
99 REB 260	Curtis Berweger	No violation
99 REB 260	LST of Ashland, Inc.	No violation
99 REB 260	Lois Koval	No violation
00 REB 026	James C. Hertel	P1

STIPULATIONS

Nancy K. Droessler (Kieler, WI)

MOTION: Jerry Nelson moved, seconded by Dick Hinsman, to accept the Stipulation, Findings of Fact, Conclusions of Law and Orders in the matters involving the stipulation for Nancy K. Droessler. Motion carried unanimously.

John A. Sobota (Menomonie, WI)

MOTION: Dick Hinsman moved, seconded by Bettye Lawrence, to accept the Stipulation, Findings of Fact, Conclusions of Law and Orders in the matters involving the stipulation for John A. Sobota. Motion carried unanimously.

Andale Real Estate, Inc. (Menomonie, WI)

MOTION: Bettye Lawrence moved, seconded by Nancy Gerrard, to accept the Stipulation, Findings of Fact, Conclusions of Law and Orders in the matters involving the stipulation for Andale Real Estate, Inc. Motion carried unanimously.

Deliberation on Proposed Stipulations or Disciplinary Actions that May be Signed After Printing of Agenda

None.

MONITORING REPORT

Brian Woodhull (Bloomer, WI)

MOTION: Harold Lee moved, seconded by Dick Kollmansberger, to remove the license limitations for Brian Woodhull. Motion carried unanimously.

ADJOURNMENT

MOTION: Dick Hinsman moved, seconded by Harold Lee, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 11:23 a.m.